

OFFICE OF THE GENERAL COUNSEL
Division of Operations-Management

MEMORANDUM OM 10-53

April 23, 2010

To: All Regional Directors, Officers-in-Charge,
and Resident Officers

From: Richard A. Siegel, Associate General Counsel

Subject: Electronic Case Files

The Agency is continuing its move toward an electronic case management system. Beginning with OM 07-82 and most recently in OM 09-15, we have issued guidance for the establishment of electronic case files and naming conventions for electronic case file documents.

The purpose of the electronic case file project is primarily to assist the Regions in learning how to manage electronic case files and documents successfully. We have learned from our experience with NxGen Pilot Regions 9 and 10 that certain skills are essential to the successful deployment of any electronic case management system. The electronic case file project will assist field employees in developing those skills and facilitate transition to NxGen for the non-pilot Regions.

As several memoranda on this subject have issued over the past two years, we thought it might be useful to distill the information into a brief summary memorandum for quick reference.

Electronic Case File Content

The Electronic Case File should contain the following items:

- Original Charges and Petitions (scanned)
- Signed affidavits (scanned)
- Documents created by the Region electronically such as docketing letters, dismissals, deferrals, FIRs, Agenda Minutes, complaints, letters to parties and discriminatees, election agreements, election notices, RD decisions, and letters approving withdrawal requests
- Documents received by the Region electronically such as position statements, evidence, and briefs

Regions are encouraged, but not required, to store:

- Amended charges and petitions
- Documents received in hard copy form
- Action folders for actions that were not initiated by the Region (e.g. Board Decision, ALJ Decision)
- E-mail messages (see explanation below)

Electronic Case File Structure

Each Region should have separate folders for C Cases and R Cases on its common (H:) drive. Individual case folders should be listed by case number. Individual case folders will contain “Action” subfolders based on the events that occur in the life of the case.

Field Actions

C Case Actions	R Case Actions
Regional Determination	Regional Determination
Abeyance	Abeyance
Bankruptcy Court	Dismissal
Complaint	Election Agreement
Compliance	Election
Closing	Hearing
Deferral	HO Decision
Dismissal	HQ Guidance
District Court	RD Decision
Hearing	Subpoena
HQ Guidance (Advice, Contempt, ILB)	Withdrawal
Settlement	
Subpoena	
Withdrawal	

Case files may also contain Action folders for events that do not originate from the Field. Inclusion of these Action folders in the Region’s ECF is optional. As Regions will continue to upload documents relating to Appeals actions directly into NxGen, the Appeals Action folder is not included.

HQ Actions (optional)

C Case Actions	R Case Actions
ALJ Decision	Board Decision
Board Decision	
Court of Appeals	
Supreme Court	

Creation of Templates for File Action Folder

The best practice is to create the case folder and the Regional Determination Action folder when the charge is filed, then create additional Action folders as the case progresses. Some Regions have adopted a practice of creating several main Action folders for future actions (Dismissal, Deferral, Complaint etc) when they create the initial case folder. This is NOT a best practice. The only Action folder that should be created with the initial case folder is the Regional Determination folder. Regions should create additional folders such as Dismissal, Withdrawal, Deferral, Complaint, etc, only if those activities occur in the case. Creating additional folders before such actions occur results in empty folders that could mislead the viewer of the main

folder. For example, if the Region creates a Dismissal, Deferral, and Complaint folder at the onset of the case, a reviewer of the file could be misled to believe that the case involved all three of these Actions before the Region makes a decision on the case.

The Regions that have adopted the template practice may continue in the short term. Next month, however, we will be deploying a new scanning procedure that will automate the creation of the case and action folders. Once this solution is available, Regions will be asked to cease creating empty action folders.

Additional Folders and Subfolders

Some Regions have allowed the creation of subfolders within the ECF that do not correspond to established case Action folders projected to be used in NxGen. This is not an acceptable practice. Unless the subfolders within the ECF are identical to those that will be utilized in NxGen, they and the documents they contain will not migrate into NxGen when we are ready to begin operating. While these folders (e.g. Charging Party Evidence, Affidavits, etc) may be helpful in navigation through the file, their presence will cause document migration problems during the transition to NxGen. Further, using subfolder names that will not be used in NxGen will result in Regions developing procedures that are simply not applicable in NxGen. Regions engaging in this practice should cease immediately.

Location and Naming of Documents

The Operations page on the Agency's Surfboard contains a link to Electronic Case File materials. We recently revised the spreadsheets for Naming Conventions, sorted by Action and Document Type for C, R, and Compliance cases. The revised spreadsheets can be found at <http://nlrbnet.nlrb.gov/Operations/ECF%20Questions.htm>

Additions to the File Name

Some Regions have included part of the case name after the case number of the ECF, provided the name follows the case number and is separated from the number by a space, a dash and another space. For example the ECF of 7-CA-12345 might be named "07-CA-12345 – ABC Industries". While this practice may assist with navigation through the file list, it will not be available under the scanning solution referred to above and we do not recommend it. In fact the scanning solution will automatically give the case file the correct case name and establish the appropriate action folder based on the document being placed in the ECF. Accordingly, we suggest instead that the Region user the Search function (Attachment A) to locate specific text.

Separate Folders for Closed Cases

We suggest that Regions create separate overall folders for Closed C Cases and Closed R Cases (e.g. R02 Closed C Cases FY 2010). Regions can move the existing closed cases (we can help with a CATS query to identify those cases) into that folder. As future cases close, a best practice would be to move the closed case into the close case folder at the time of the closing in order to maintain a smaller list of active cases. A disadvantage of doing this is that any documents that contain hyperlinks to the original locations will no longer work. As the case is closed, however, we do not expect this to be a major concern.

E-Mail Messages

Several Regions have asked when and how they should save e-mail messages. Some e-mails are the equivalent of position statements or other evidence. Some e-mails are merely vehicles for delivering attachments that must be saved in the folder separately.

If the e-mail presents a position statement, evidence, or case related external correspondence, the Region should save the e-mail as a PST, DEV, or LTR document type, respectively. If the e-mail is an internal Agency communication, it should be saved as an EMI document type.

If the e-mail contains attachments, the attachments should be saved as separate documents into the electronic case file. Instructions on how to save emails are located at the end of this memo (Attachment B).

With respect to the format of the email, OCIO has provided the following guidance of advantages and disadvantages for each format type.

	Advantages	Disadvantages
HTM	Widely used format. Does not require Outlook to open.	Attachments need to be saved separately.
MSG	Saves e-mail and attachments as a single unit.	Need Outlook to open.

We believe that the MSG format is the most useful because it links the attachments with the email. As noted above, an email containing attachments such as position statements or evidence should be named with the appropriate document prefix to describe its contents, e.g. PST, DEV, etc. The EMI prefix should be used primarily for internal email communications.

We anticipate that saving email messages into NxGen will be accomplished in a completely different manner. Therefore, we will not require Regions to save emails to the electronic case file. We will require Regions to save email attachments to the electronic case file, however, and we encourage Regions to save emails as well.

Future Developments

Next month, we plan to introduce a system that will allow the Regions to use the barcode system to scan documents directly into their electronic case files. The user will input the case number and document name into the barcode. When the barcode is scanned with the document, the system will seek the appropriate case and action folders. If the folders do not yet exist, the system will create the folders and insert the documents. This process will closely resemble the process used by the two pilot Regions to scan documents into their NxGen case files. In addition to serving as a training tool, we believe the ECF barcode will alleviate many of the Regions' current concerns with the ECF process.

Please contact your Assistant General Counsel or Deputy if you have questions regarding this memorandum.

/s/

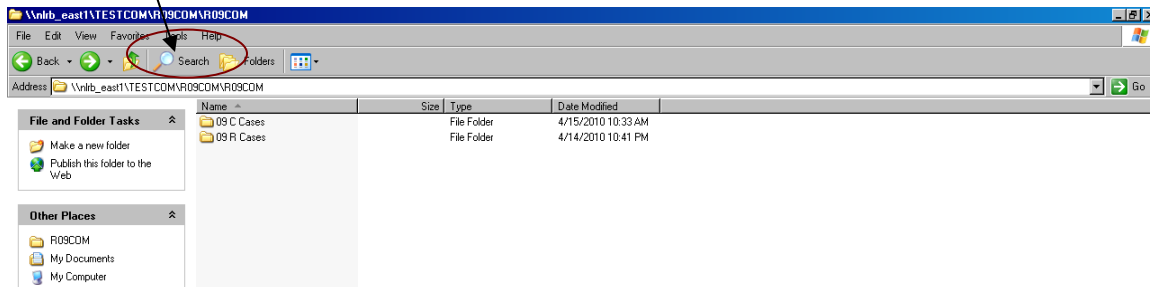
R.A.S.

Attachments

cc: NLRBU

Attachment A – Using the Search Function

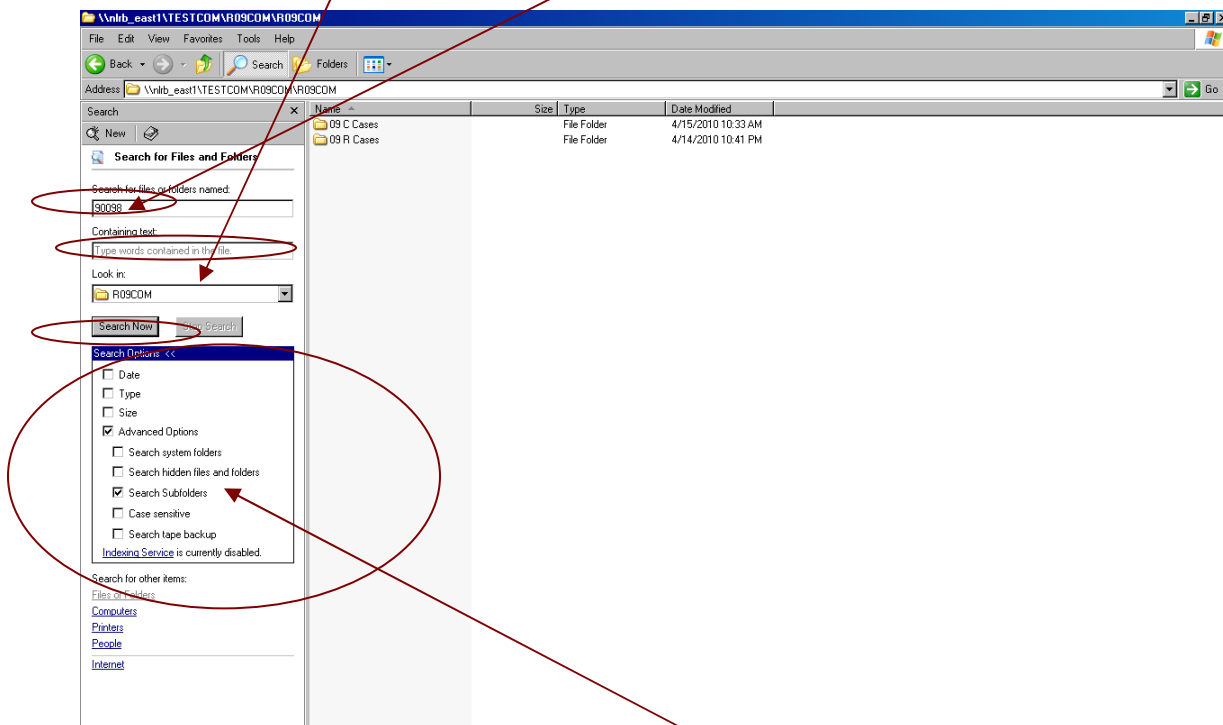
Select Search



You can search several ways

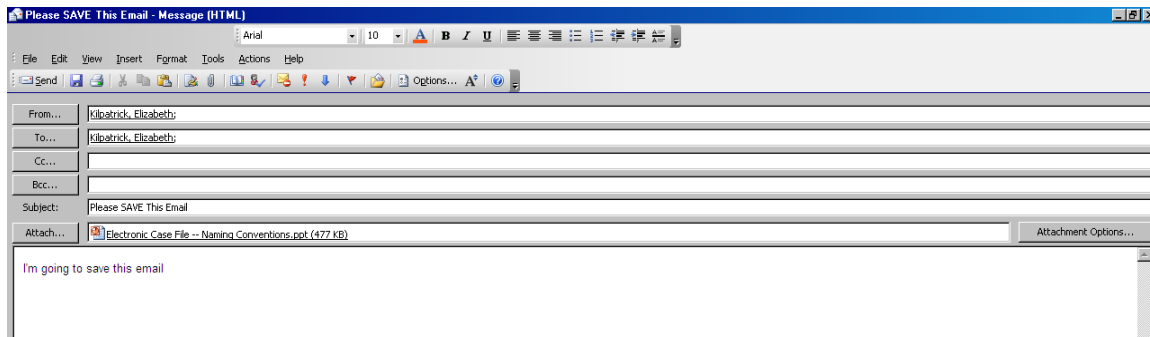
Case Number (of part of the number) in the Folder Name

Or Enter Text that might be found (e.g. Case Name, Part of Case Name, Name of Affiant)

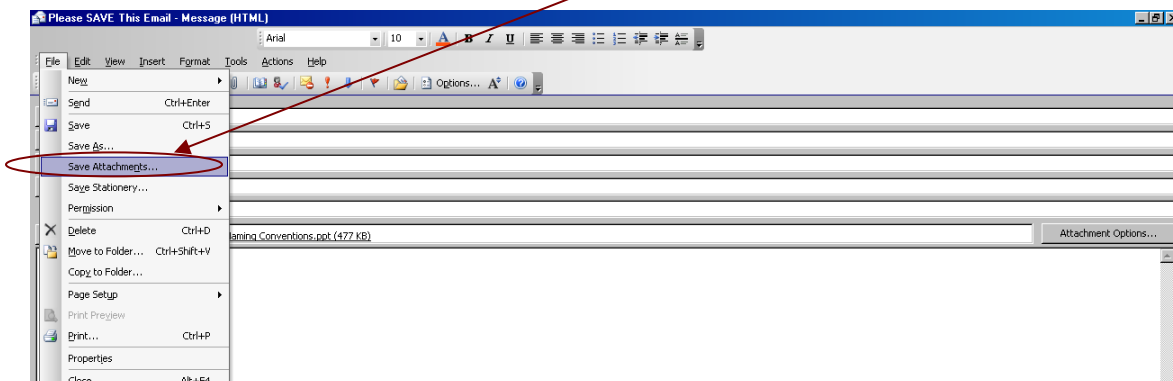


To search subfolders, check Advanced Options and Search Subfolders.

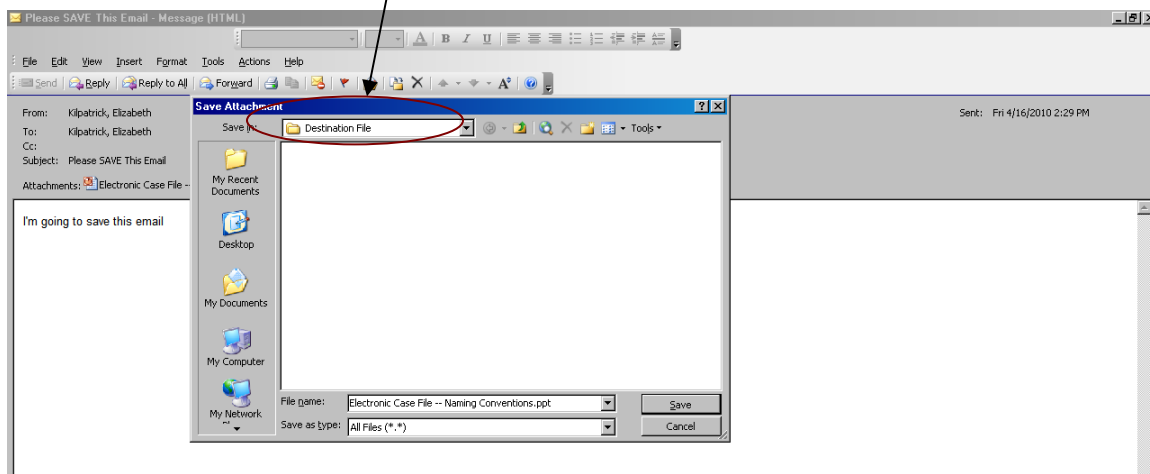
Attachment B -- Saving E-Mails and E-Mail Attachments



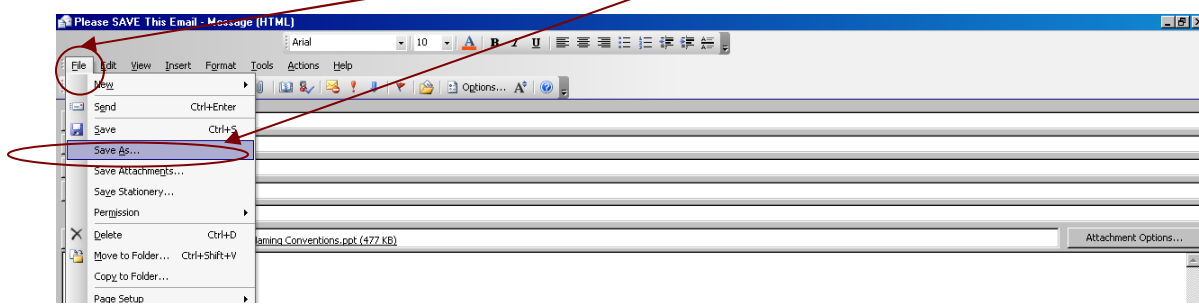
To save the Attachment ONLY click "Save Attachment"



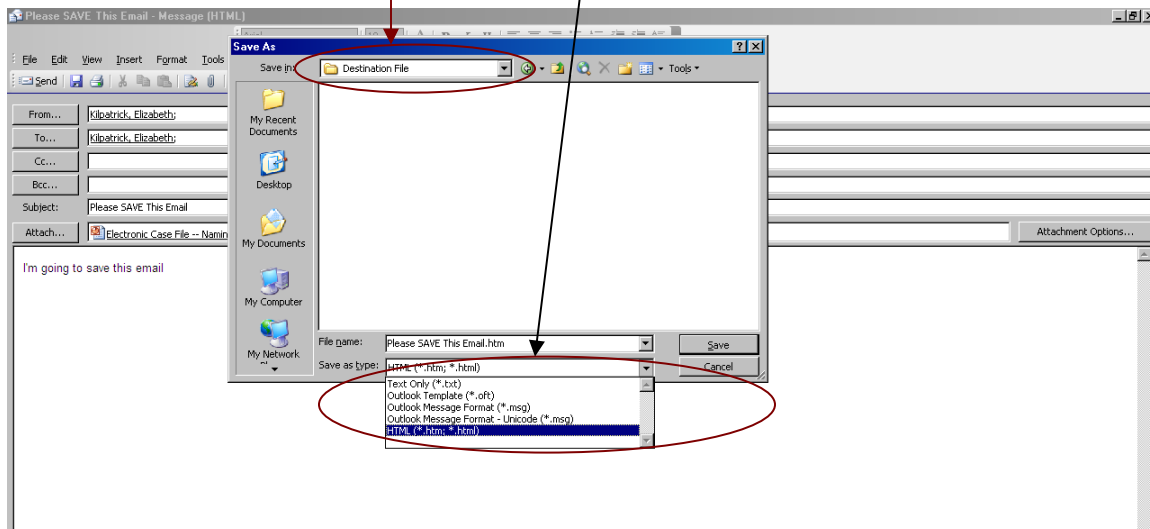
Select the appropriate File Folder



To save the e-mail, click File and select “Save As”



Select the appropriate File Folder and File Type



Here are the different File Types and their Advantages/Disadvantages

	Advantages	Disadvantages
HTM	Widely used format. Does not require Outlook to open.	Attachments need to be saved separately.
MSG	Saves e-mail and attachments as a single unit.	Need Outlook to open.